

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself )	)	Civil Action No. 05-30017-MAP
and on behalf of others similarly situated, )		
Plaintiffs )		
v. )	)	
ROBERT J. GARVEY, and PATRICK J. )		
CAHILLANE in their individual capacities, )		
Defendants )	)	

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**JOINT REPORT REGARDING CLASS SIZE AND PROPOSED SCHEDULE**

As ordered by the Court, the parties submit the following joint report:

**CLASS SIZE**

1. At the hearing on plaintiffs' motion for class certification on July 14, 2006, based upon information that was available to class counsel, plaintiffs estimated that there were 98 putative class members who were booked into the Jail 102 times during the class period.<sup>1</sup>
2. On July 17, July 26, and July 27, 2006, defendants provided additional information regarding putative class members.
3. The parties now agree that there are approximately 85 class members.

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<sup>1</sup> One person was booked into the Jail four times during the class period and another person was booked twice.

4. The parties presently agree that 8 people do not fit the class definition.<sup>2</sup>
5. The parties presently disagree whether 6 people who were arrested for violation of parole meet the class definition, but they are continuing to discuss the merits of their positions.

### **SETTLEMENT**

6. The parties will immediately engage in settlement negotiations. The parties are fairly optimistic that they will come to an agreement in the near future.

### **STATUS CONFERENCE**

7. The parties request a status conference in October 2006. In the event that the parties have not reached a settlement by that time, the parties will request mediation, propose individual damages hearings, or seek other appropriate relief. The parties will also provide the Court with a notice plan as required under Rule 23(c)(2) at the status conference.

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<sup>2</sup> This is pending defendants' agreement to provide documentation to plaintiffs. There may be additional individuals who do not meet the class definition if individual circumstances provided a reasonable suspicion for the search.

RESPECTFULLY SUBMITTED,  
For the plaintiffs,

/s/ Myong J. Joun

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